

## **LAR 120. SECURITY FOR COSTS AND MARSHAL'S FEES**

**(a) Costs Generally.** In an action governed by Supplemental Rule E, a party may serve upon an adverse party and file a demand for security for costs. Unless otherwise ordered by the court, the amount thereof shall be \$500. The party notified shall post security within 5 days after service. A party who fails to post security when demanded may not participate further in the proceedings, except for the purpose of seeking relief from this rule.

**(b) Costs in Action for Limitation of Liability.** The amount of the security for costs required by Supplemental Rule F(1) is \$500. Unless otherwise ordered by the court, the security for costs may be combined with the security for value and interest.

### **(c) Marshal's Fees.**

*(1) Deposit Required Before Seizure.* A party who seeks arrest or attachment of property in an action governed by Supplemental Rule E shall deposit a sum with the marshal sufficient to cover the marshal's estimated fees and expenses of seizing and keeping the property for at least 10 days. The marshal is not required to execute process until the deposit is made.

*(2) Additional Deposit Required After Seizure.* A party who has caused the marshal to arrest or attach property shall advance additional sums from time to time as requested, to cover the marshal's estimated fees and expenses until the property is released or disposed of as provided in Supplemental Rule E. Any party who fails to make an advance when demanded may not participate further in the proceedings, except for the purpose of seeking relief from this rule.

**(d) Judicial Relief.** A party may apply to the court for an order increasing the amount of security for costs. The marshal shall notify the court if a party fails to advance sums as requested, after property has been seized, and may apply to the court for directions if a question arises concerning the obligation of a party to advance moneys required under this rule. A party may also apply to the court for an order relieving that party from the requirement to (1) give security for costs, or (2) make a deposit before seizure, or (3) make an additional deposit. An application to the court for relief under this rule shall be made by motion with notice to the marshal and other parties who have appeared. The motion may be heard summarily.

[Effective May 1, 1992; amended effective July 1, 1997.]